



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2488

DATE SCANNED 10/20/11

SCANNER NO. 2

SCAN OPERATOR ESS

11092672501



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2010 OCT -8 P 4: 13

October 8, 2010

MEMORANDUM

SENSITIVE

TO: THE COMMISSION

THROUGH: ALEC PALMER *AP*
ACTING STAFF DIRECTOR

FROM: PATRICIA CARMONA *PC/NKS*
CHIEF COMPLIANCE OFFICER

DEBBIE CHACONA *DC/NKS*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: *NKI* NATALIYA IOFFE/SARI PICKERALL *AP*
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2010 12 DAY
PRE-PRIMARY REPORT (ARIZONA AND FLORIDA)

Attached is a list of political committees and their treasurers who failed to timely file the 2010 12 Day Pre-Primary Report for the Arizona and Florida Primary Elections in accordance with 2 U.S.C. § 434(a). The 12 Day Pre-Primary Report was due on August 12, 2010, and the Primary Elections were held on August 24, 2010.

The committees listed on the attached RTB Circulation Report failed to file the election sensitive report by the required due date. Election sensitive reports filed more than four days prior to the election are considered late, and reports not filed more than four days prior to the election are considered not filed. In accordance with the schedule of civil money penalties for reports at 11 CFR § 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission
Reason to Believe Circulation Report
2010 PRE-PRIMARY Election Sensitive 08/12/2010 AUTH (AZ, FL)

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Recalpt Date	Days Late	LOA	RTB Penalty
2184	C00463885	BRADLEY BEAUCHAMP FOR CONGRESS	BEAUCHAMP, BRADLEY DON	ERIK STAUBER	\$242,846	0	8/18/2010	6	\$54,364	\$990
2185	C00465773	DEON LONG FOR CONGRESS	LONG, OMETRIAS DEON	DEON LONG	\$252,205	0		Not Filed	\$84,068 (est)	\$4,400
2186	C00459420	KEVIN BURNS 4 US SENATE	BURNS, KEVIN A.	ROB FLINT	\$189,847	0		Not Filed	\$31,641 (est)	\$1,400
2187	C00480541	MARILI CANCIO FOR CONGRESS	CANCIO, MARIANA MARILJ	ARMANDO HERNANDEZ	\$168,732	0	8/19/2010	7	\$5,959	\$180
2188	C00461343	PHILLIP BRUTUS FOR CONGRESS	BRUTUS, PHILLIP J.	CAMELIA SIGUINEAU	\$151,182	0	8/20/2010	Not Filed	\$6,290	\$660
2189	C00459883	THORPE FOR US SENATE	THORPE, MARION D. JR, MD, DR.	DR. MARION D. THORPE, JR. MD	\$618,285	0		Not Filed	\$103,048 (est)	\$5,500

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation –)
2010 12 Day Pre-Primary Report (AZ and)
FL):)
MARILI CANCIO FOR CONGRESS, and) AF# 2187
ARMANDO HERNANDEZ as treasurer;)
BRADLEY BEAUCHAMP FOR) AF# 2184
CONGRESS, and ERIK STAUBER as)
treasurer;)
DEON LONG FOR CONGRESS, and) AF# 2185
DEON LONG as treasurer;)
KEVIN BURNS 4 US SENATE, and ROB) AF# 2186
FLINT as treasurer;)
PHILLIP BRUTUS FOR CONGRESS, and) AF# 2188
CAMELIA SIGUINEAU as treasurer;)
THORPE FOR US SENATE, and DR) AF# 2189
MARTON D THORPE JR MD as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on October 13, 2010 the Commission took the following actions on the Reason To Believe Recommendation 2010 12 Day Pre-Primary Report (AZ and FL) as recommended in the Reports Analysis Division's Memorandum dated October 08, 2010, on the following committees:

AF#2187 Decided by a vote of 6-0 to: (1) find reason to believe that MARILI CANCIO FOR CONGRESS, and ARMANDO HERNANDEZ as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2184 Decided by a vote of 6-0 to: (1) find reason to believe that BRADLEY BEAUCHAMP FOR CONGRESS, and RIK STAUER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2185 Decided by a vote of 6-0 to: (1) find reason to believe that DEON LONG FOR CONGRESS, and DEON LONG as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2186 Decided by a vote of 6-0 to: (1) find reason to believe that KEVIN BURNS 4 US SENATE, and ROB FLINT as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2188 Decided by a vote of 6-0 to: (1) find reason to believe that PHILLIP BRUTUS FOR CONGRESS, and CAMELIA SIGUINEAU as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2189 Decided by a vote of 6-0 to: (1) find reason to believe that THORPE FOR US SENATE, and DR MARION D THORPE JR MD as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

October 13, 2010
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 18, 2010

Camelia Siguineau, in official capacity as Treasurer
Phillip Brutus for Congress
16801 NE 6 Avenue
North Miami Beach, FL 33162

C00461343
AF#: 2188

Dear Ms. Siguineau:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-Primary Report of Receipts and Disbursements in any calendar year during which there is a regularly scheduled election for which the candidate is seeking election or nomination for election. This report, covering the period through August 4, 2010, shall be filed no later than August 12, 2010. 2 U.S.C. § 434(a). Because records at the Federal Election Commission ("FEC") indicate that this report was not filed prior to four (4) days before the election Primary Election held on August 24, 2010, it is considered not filed for the purpose of calculating the civil money penalty.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On October 13, 2010, the FEC found that there is reason to believe ("RTB") that Phillip Brutus for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before August 12, 2010. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$660. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$660 is due within forty (40) days of the finding, or by November 22, 2010, and is based on these factors:

Election Sensitivity of Report: Election Sensitive

Level of Activity: \$6,290

Number of Days Late: Not Filed (reports not filed prior to four (4) days before the Primary Election held on August 24, 2010 are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or November 22, 2010. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Phillip Brutus for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection

Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).


3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Matthew S. Petersen
Chairman

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$660 for the 2010 Pre-Primary Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by November 22, 2010. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Phillip Brutus for Congress

FEC ID#: C00461343

AF#: 2188

PAYMENT DUE DATE: November 22, 2010

PAYMENT AMOUNT DUE: \$660

FEC OFFICE OF
ADMIN REVIEW

2010 NOV 19 P 3:43

THE

BRUTUS LAW GROUP

PROFESSIONAL ASSOCIATION

Email: Brutus@Brutuslaw.com
801 NE 167th Street
Suite 302

North Miami Beach, Florida 33162

Tel. (305) 899-0411

Fax (305) 653-1132

Phillip J. Brutus, Esquire

November 16, 2010

Matthew S. Petersen
Chairman
Federal Election Commission
Washington, DC 20463

Re: Brutus For Congress
C00461343
AF#: 2188

Dear Mr. Petersen:

This acknowledges the Commission's Letter of October 18, 2010, that imposed a fine on the above committee for allegedly failing to file the pre-primary report.

While the allegation is accurate, I would submit to the commission that the failure was not due to a willful non-compliance. Because of economic constraints, the committee opted to use the FEC software. To say working with this software was a disaster would be an understatement. I am challenging the fine on the basis that the software has never worked properly and has caused me to spend an inordinate amount of time on the telephone both with tech support and my analyst to file just about every report.

For the report in question, I spoke to my analyst Seth on at least three occasions to explain the problems I was having loading and filing the report. In addition, I spent no less than five hours on the telephone with Stephanie from tech support before she asked me to email the entire file to her so she could determine what was causing the problem. After countless efforts by both tech support and I, we were finally able to file the report. I would respectfully ask that you review tech support's logs of their session with me and contact my analyst to confirm the difficulties I have encountered. It is unequivocally clear that the committee did not knowingly and willfully fail to file the

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said report. Per the 11 C.F.R. § 111.35(b), I used my best efforts to file the reports in a timely manner, but was prevented from doing so by the aforementioned, unforeseen circumstances, which were clearly beyond my control. I would submit that the Commission should remove the fine, as it is clear that but for the software malfunction, all the committee's reports would have been filed on time. Thanking you in advance for your understanding, I remain

Yours Sincerely,

Philip J. Brutus, Esquire
PJB/nl

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

November 22, 2010

Camelia Siguineau, in her official capacity as Treasurer
Phillip Brutus for Congress
16801 NE 6 Avenue
North Miami Beach, FL 33162

C00461343
AF# 2188

Dear Ms. Siguineau:

On November 19, 2010, the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown". The signature is stylized with a large, looping "D" and "B".

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

11092672512

**FEC OFFICE OF
ADMIN REVIEW**

2010 NOV 23 A 7:26

Date: November 22, 2010

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 2188

Committee Name: Phillip Brutus for Congress

Committee ID#: C00461343

Committee Address (if different than in RTB letter): N/A

Treasurer Name (if different than in RTB finding): N/A

Attachments:

Copy of RTB Circulation Report, dated October 8, 2010 and RTB Certification, dated October 13, 2010 (Y/N): Y

Attachment #: 1

Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y

Attachment #: 2

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2010 12 Day Pre-Primary Report (FL) Prior Notice, dated July 19, 2010.

-RTB Letter, dated October 18, 2010.

Attachment #: 4

Other RAD Information: (Y/N): Y

Attachment#: N/A

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Delivery Notification

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number: 1Z WF5 860 A2 9779 651 4
Reference Number(s): RAD
Service: NEXT DAY AIR
Special Instructions: ADULT SIGNATURE REQUIRED
Weight: 1.00 Lb
Shipped/Billed On: 10/18/2010
Delivered On: 10/19/2010 9:58 A.M.
Delivered To: 16801 NE 6TH AVE
NORTH MIAMI BEACH, FL, US 33162
Signed By: DAUPHIN
Location: RECEIVER

Thank you for giving us this opportunity to serve you.

Sincerely,
UPS

Tracking results provided by UPS: 10/19/2010 2:23 P.M. ET

Attachment 2

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DECLARATION OF NATALIYA IOFFE

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Phillip Brutus for Congress:
 - A) Prior Notice, dated July 19, 2010, referencing the 2010 12 Day Pre-Primary Report (sent via electronic mail to: BRUTUS@BRUTUSLAW.COM);
 - B) Non-Filer Letter, dated August 13, 2010, referencing the 2010 12 Day Pre-Primary Report;
 - C) Reason-to-Believe Letter, dated October 18, 2010, referencing the 2010 12 Day Pre-Primary Report.

I hereby certify that I have searched the Commission's public records and find that Phillip Brutus for Congress filed the 2010 12 Day Pre-Primary Report with the Commission on August 20, 2010.

3. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 22nd day of November, 2010.



Nataliya Ioffe
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



PRIMARY ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

FLORIDA

July 19, 2010

POLITICAL COMMITTEES INVOLVED IN THE PRIMARY (08/24/10):

REPORT	REPORTING PERIOD	REG/CERT. & COVERING LETTER MAILING DEADLINE	FILING DEADLINE
Pre-Primary	07/01/10 - 08/04/10	08/09/10	08/12/10
48-Hour Notices	08/05/10 - 08/21/10	-- FL primary candidates only -- see filing info --	
October Quarterly	08/05/10 - 09/30/10	10/15/10	10/15/10

WHO MUST FILE

The following committees must file the Florida Pre-Primary Report:

- **Principal campaign committees** of congressional candidates (including unopposed candidates and candidates whose names do not appear on the ballot) who seek election in the primary election must file the above reports and notices.
- **PACs and party committees** filing on a quarterly basis in 2010 are subject to pre-election reporting if they make previously undisclosed contributions or expenditures (including independent expenditures) in connection with an election by the close of books of the applicable report(s).

Supplemental Filing Information is available:

- **Congressional Committees**
- **Parties and PACs**

Additional information for Florida Campaign Committees -- click here

¹ These dates indicate the beginning and end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

2010 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Principal campaign committees of congressional candidates ¹ (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2010. ²

Campaigns that raise or spend more than \$5,000 for the 2010 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2010, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 82-84 [PDF]

Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 81 [PDF]

¹ Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

² If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z [PDF].

PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2010 state primary, nominating convention or runoff election -- even if unopposed -- must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports.

See 11 CFR 104.5(a)(2).

- Web Page: 2010 Congressional Pre-Primary Reporting Dates
- *The Record*: January 2010 issue [PDF]
- *Candidate Guide*, pp. 79-80 [PDF]

COMPLIANCE

Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.

See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- *Candidate Guide*, p. 7 [PDF]

Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).³

See 11 CFR 111.30.

- Web Page: Administrative Fine Program
- *Candidate Guide*, pp. 81-82 [PDF]

IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.⁴ This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- *The Record*: January 2010 issue [PDF]
- *Candidate Guide*, p. 79 [PDF]

³ Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

⁴ Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22 and 11 CFR 110.17(e).

- The Record: March 2009 issue [PDF]
- Federal Register: Notice 2009-03 (February 17, 2009) [PDF]; Notice 2010-02 (2/24/10) [PDF].

SUPPLEMENTAL FILING INFORMATION FLORIDA CAMPAIGN COMMITTEES ONLY

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives any contribution (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period of August 5 through August 21, 2010.

The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). **Campaign committees that file electronically MUST submit their 48-hour notices electronically.** See 11 CFR 104.5(f).

- Web Page: Link to Paper Forms (for downloading and printing)
- Form 6 Fax numbers
 - Senate campaigns (Secretary of the Senate): (202) 224-1851
 - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: Candidate, p. 80 [PDF].

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

Attachment 4

Primary - 3

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11092672520

GUSISFORUS@TAMPABAY.RR.COM
LARA@CASTORFORCONGRESS.COM
FINANCE@ELECTDENNISROSS.COM
FSW@FREDERICAWILSONFORCONGRESS.COM
ACTIONSHOOTERSTV@BELLSOUTH.NET
JOSE@RIESCOANDBCOMPANY.COM
ADUPREE@CCRCPA.COM
BOYDFORCONGRESSFEC@GMAIL.COM
RONSIMMON@AOL.COM
DONBROWNING@EARTHLINK.NET
GRAYSON@GRAYSONLAW.NET
MARLEINE_BASTIEN@HOTMAIL.COM
BRUTUS@BRUTUSLAW.COM
PAULCRESPO2010@AOL.COM
TODD@MARKHAMGROUP.COM
GLENNBURKETTINFO@AOL.COM
DRESCOFFERY@YAHOO.COM
SCOTT@FECREPORTS.COM
MARCUSBROOKS1906@GMAIL.COM
NWKATKINS@ROBERTWATKINS.COM
COMMITTEE@BUNTYN.ORG
JAMES@ELECTROACH.COM
KDAVIS@HDAFEC.COM
EATON4CONGRESS@YAHOO.COM
ANDRE@AWILLIAMSLAW.COM
GLAD@KARENDIEBEL.COM
INFO@EDDIEHENDRYFORCONGRESS.COM
TREASURER@STANDWITHSAGER.COM
INFO@SHANNONROBERTSFORCONGRESS.COM
MARILI-CANCIO@MARILICANCIO.COM
REBEKAH@ADVOCACYCONSULTING.COM
CAMPAIGN@TEDFORCONGRESS.COM
SANSARICQ4CONGRESS@COMCAST.NET
DEON@DEONLONG.COM
INFO@KENDRICKMEEK.OOM
TREASURE@YOSTFORCONGRESS.COM
SSCHONBERG@AOL.COM
MMCCAULEY@XMISSION.COM
JOE@JOEBUDD.COM
INFO@RONKLEINFORCONGRESS.COM
ERIC@PEACOCKCPA.COM
COMMITTEE@HINDAHLFORCONGRESS.NET
INFO@VOTEMOISE.COM
INFO@JEFFGREENE.COM
LAWSON4CONGRESS@GMAIL.COM
CAMPAIGN@CLIFFSTEARNS.NET
PAUL@PDSCOMPLIANCE.COM
TLONG3@CFL.RR.COM
ELECTIONCOMMITTEE@JIMHORN4CONGRESS.COM
BILLYOUNG@CONGRESSMANBILLYOUNG.COM
LADYK16@VERIZON.NET
SATTERFIELD.DAVID@ARENTFOX.COM



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 13, 2010

RQ-7

CAMELIA SIGUINEAU, TREASURER
PHILLIP BRUTUS FOR CONGRESS
18801 NE 6 AVENUE
NORTH MIAMI BEACH, FL 33162

IDENTIFICATION NUMBER: C00461343

REFERENCE: PRE-PRIMARY REPORT 7/1/2010 - 8/4/2010

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

YOU WILL BE ALLOWED FOUR (4) BUSINESS DAYS FROM THE DATE OF THIS NOTICE TO FILE THIS REPORT TO AVOID PENALIZATION.

THE REPORT MUST BE FILED WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510 (MAILING ADDRESS: OFFICE OF PUBLIC RECORDS, P.O. BOX 2517, ALEXANDRIA, VA 22301), FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. IF YOU HAVE FILED THE REPORT TIMELY BY EXPRESS, CERTIFIED OR REGISTERED MAIL, PLEASE NOTIFY US IMMEDIATELY OF THE CERTIFIED, REGISTERED OR TRACKING NUMBER AND THE DATE THAT THE REPORT WAS SENT.

IN ADDITION, THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR OTHER LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT CHRISTOPHER RITCHIE IN THE REPORTS ANALYSIS DIVISION OR OUR TOLL FREE NUMBER (800)424-9530. OUR LOCAL NUMBER IS (202)684-1130.

SINCERELY, --

Debbie Chacona

DEBBIE CHACONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

1003041015092672521



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2011 MAR 16 P 5:17

SENSITIVE

March 16, 2011

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Acting Staff Director

From: Patricia Carmona *PC*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2188 – Phillip Brutus for Congress and Camelia Siguineau, in her official capacity as Treasurer (C00461343)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

11092672522



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 16, 2011

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2188 – Phillip Brutus for Congress and Camelia Siguineau, in her official capacity as
Treasurer (C00461343)

Summary of Recommendation

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$660 civil money penalty.

Reason-to-Believe Background

On October 13, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 12 Day Pre-Primary Report and made a preliminary determination that the civil money penalty was \$660, based on the schedule of penalties at 11 C.F.R. § 111.43. The Reports Analysis Division ("RAD") notified the respondents of the Commission's RTB finding and civil money penalty on October 18, 2010.

Legal Requirements

The Federal Election Campaign Act requires that 12 day pre-election reports be filed by the treasurer of a principal campaign committee no later than the 12th day before any election in which the candidate is seeking election, or nomination for election. 2 U.S.C. § 434(a)(2)(A)(i) and 11 C.F.R. § 104.5(a)(2)(i). Reports electronically filed must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on the prescribed filing date to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5 (e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge

On November 19, 2010, the Commission received the written response ("challenge") from the Candidate, Phillip J. Brutus, challenging the RTB finding. It is accurate that the report was not filed timely, however, this was not due to willful non-compliance. The Committee chose to use the Commission's software due to economic constraints. The software never worked properly and resulted in a large amount of time on the phone with technical support and the Committee's analyst. When attempting to file this report, the Candidate had three conversations with the analyst, spent five hours with technical support, and emailed the file to technical support before the report was finally able to be filed. The Candidate requests that the Commission remove the fine given that he used his best efforts to file the report timely, but was unable to do so given the unforeseen circumstances with the software malfunction.

Analysis

The 2010 Florida 12 Day Pre-Primary Report was due on August 12. The respondents filed this report on August 20, 2010, eight days late.

11092672524

The respondents were notified of the report's due date before and after the filing deadline. On July 19, 2010, the Commission sent the Prior Notice for the 12 Day Pre-Primary Report to BRUTUS@BRUTUSLAW.COM, the email address listed on their Statement of Organization. On August 13, 2010, the day after the report was due, the Commission sent a non-filer notice to the respondents at their address of record. Also on August 13, the Electronic Filing Office ("EFO") sent the 12-hour non-filer email notification to BRUTUS@BRUTUSLAW.COM, the email address provided by the Committee, alerting the respondents that they did not file the 12 Day Pre-Primary Report.

Although the challenge contends that the report was not timely filed due to difficulties experienced with the Commission's FECFile software, Commission records indicate that the respondents did not contact the Commission regarding the report until August 18, six days after the August 12 due date. Telephone records reflect that on August 18, the Candidate called RAD regarding the non-filer notice the respondents received. The Compliance Analyst explained, as did the non-filer notice, that the report must be received by August 19 in order to prevent publication. The Compliance Analyst transferred the Candidate to the Reports Analyst who informed Mr. Brutus that the 2009 Year End Report and amendments correcting the 2010 April and July Quarterly Reports would need to be filed prior to the 12 Day Pre-Primary Report in order for 12 Day Pre-Primary Report to be correct. The Reports Analyst further advised the Candidate that all of his reports must be in one file within the FECFile software and transferred him to the EFO for assistance.

Once transferred to the EFO on August 18, logs show that the Candidate was informed that the 2009 Year End Report was closed but not yet filed and Mr. Brutus verified that there was just one data set. The Candidate then encountered an error message when attempting to file the report: "This report has already been uploaded." The EFO had the Candidate email the data set. Once received, the EFO saw that the Candidate uploaded the report to his hard disk rather than to the Commission and changed the status of the report to reflect that it had not been uploaded so that he could upload to the Commission. Once the status was changed, the data set was emailed back to the Candidate who received the error message again when attempting to file the report. The Candidate then discovered that he did in fact have two data sets, though he confirmed earlier that he had just one, and he could not determine which was the correct one to use. Because he was unsure of which data set was correct, the EFO suggested he redo the Year End Report to ensure its accuracy and recommended that he reinstall FECFile.

The following day, August 19, the Candidate called the EFO stating that the 2009 October Quarterly and 2010 April and July Quarterly Reports were missing when he opened his data set. The EFO explained the process for rebuilding these reports and recreating the 2009 Year End Report. Believing this process would take a long time, he asked to be transferred to his Reports Analyst. Once transferred to the Reports Analyst, the Candidate explained that he could not file all the reports that day and reminded the Analyst that he needed to file the 12 Day Pre-Primary Report that day in order to avoid publication, but doing so would mean filing wrong information. The Analyst advised the Candidate to file the 12 Day Pre-Primary Report that day disclosing the activity for the period. He further explained to the Candidate that he could amend the report to correct any carryover figures that would change, such as cash on hand, as a result of the amendments he needed to file to the missing reports that cover reporting periods prior to the

12 Day Pre-Primary. EFO logs show that the Candidate called the EFO later that day for assistance with creating the 12 Day Pre-Primary Report.

On August 20, the Candidate called the EFO for assistance resolving validation errors received when attempting to file the 12 Day Pre-Primary Report. The EFO walked him through correcting his errors and the report was successfully filed.

The challenge contends that the Candidate spent several hours in conversation with the Reports Analyst and technical support, including emailing his data file to the EFO, in an effort to file the 12 Day Pre-Primary Report; however, RAD and EFO records are clear that these efforts were made when attempting to file the 2009 Year End Report which, according to Commission records, has not been filed to-date.

According to the Commission's Information Technology Division ("ITD") Manager, the EFO has logged 31 entries with the Candidate since July 2009. Assistance provided included: the issuance of four separate electronic filing passwords after the Candidate forgot his password; help with rebuilding four data sets after the Candidate lost them; and for every report the Committee has filed, the Candidate called the EFO for assistance with either creating or uploading the report. While the respondents have a documented history of contacting their Analyst and the EFO for assistance with filing reports, the assistance does not appear to be a result of a software malfunction as is asserted in the challenge. As it relates to the 12 Day Pre-Primary Report specifically, the ITD Manager confirms that there is no evidence of any problem with the FECFile software that would have prevented the respondents from filing the 12 Day Pre-Primary Report.

The administrative fine regulations specifically state that negligence, inexperience of the treasurer or other staff (i.e. the Candidate), a committee's failure to know filing dates, and a committee's failure to use filing software properly are not reasonably unforeseen circumstances. 11 C.F.R. § 111.35(d). Their challenge fails to address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances.

The Candidate did not contact the Commission for assistance with filing the report until he received the non-filer notice six days after the report was due. The report was then filed two days later, and eight days after the due date; therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$660.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2188 involving Phillip Brutus for Congress and Camelia Siguineau, in her official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2188 that Phillip Brutus for Congress Camelia Siguineau, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$660; and

(3) Send the appropriate letter.

Reviewing Officer: Dayna C. Brown

Attachments

Attachment 1 – Challenge Received from Respondents

Attachment 2 –

Attachment 3 – Declaration from RAD

Attachment 4 – Declaration from OAR

11092672526

DECLARATION OF DAYNA C. BROWN

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2010 12 Day Pre-Primary Report is due August 12, 2010. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on August 12, 2010 to be timely filed.
3. I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - a) Page 1 of the Statement of Organization filed by Phillip Brutus for Congress and Camelia Siguineeu, in her official capacity as Treasurer. According to the Commission's records, the document is dated April 20, 2009, was received April 30, 2009, and lists "brutus@brutuslaw.com" as the Committee's email address; and
 - b) Page 1 of the Summary Page and Pages 3 and 4 of the Detailed Summary Page for the 2010 12 Day Pre-Primary Report electronically filed by Phillip Brutus for Congress and the Candidate, Phillip Jay Brutus. According to the Commission's records, the report covers the period from July 1 through August 4, 2010, and was received on August 20, 2010. Line 16, Column A lists \$3,865 in total receipts for this period. Line 22, Column A lists \$2,425 in total disbursements for this period.
4. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 16th of March, 2011.



Dayna C. Brown
Reviewing Officer
Office of Administrative Review
Federal Election Commission

11092672527

FEC
FORM 1

STATEMENT OF
ORGANIZATION

RECEIVED
FEC MAIL CENTER

2009 APR 30 A 8:48

Office Use Only

1. NAME OF
COMMITTEE (in full)

☐ (Check if name
is changed)

Example: If typing, type
over the lines.

12FE4M5

PHILLIP BRUTUS FOR CONGRESS

ADDRESS (number and street)

16801 NE 6 AVENUE

☐ (Check if address
is changed)

NORTH MIAMI BEACH

FL

33162

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address)

☐ (Check if address
is changed)

brutusobrutuslaw.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

☐ (Check if address
is changed)

PHILLIPBRUTUSFORCONGRESS

2. DATE

04 20 2009

3. FEC IDENTIFICATION NUMBER

C

4. IS THIS STATEMENT

☒

NEW (N)

OR

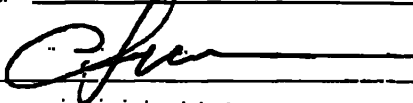
AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

CAMELIA SIGUINEAU

Signature of Treasurer



Date

04 20 2009

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §457g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
Use
Only

For further information contact:
Federal Election Commission
Toll Free 800-424-9630
Local 202-684-1100

FEC FORM 1
(Revised 02/2009)

11092672528

29030082484

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

PHILLIP BRUTUS FOR CONGRESS

ADDRESS (number and street)

16801 NE 6 AVENUE

Check if different
than previously
reported. (ACC)

NORTH MIAMI BEACH,

FL

33162

2. FEC IDENTIFICATION NUMBER

C00461343

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS REPORT ☒ NEW (N) OR ☐ AMENDED (A)

FL 17

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

☒ Primary (12P) General (12G) Runoff (12R)
Convention (12C) Special (12S)

Election on 08 24 2010 in the State of FL

(c) 30-Day POST-Election Report for the:

General (30G) Runoff (30R) Special (30S)

Election on in the State of

5. Covering Period 07 01 2010 through 08 04 2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Phillip Jay Brutus

Signature of Treasurer Electronically Filed by Phillip Jay Brutus

Date 08 18 2010

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

FE5AN018

11092672529

DETAILED SUMMARY PAGE of Receipts

FEC Form 3 (Revised 12/2003)

3 / 20

Write or Type Committee Name
PHILLIP BRUTUS FOR CONGRESS

Report Covering the Period: From: M M D D Y Y Y Y To: M M D D Y Y Y Y
0 7 0 1 2 0 1 0 0 8 0 4 2 0 1 0

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees	800.00	30560.00
(i) Itemized (use Schedule A).....		
(ii) Unitemized.....	1065.00	5795.00
(iii) TOTAL of contributions	1865.00	36355.00
from individuals..... ▶		
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACS).....	0.00	50.00
(d) The Candidate.....	0.00	4650.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d))	1865.00	41055.00
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES.....	0.00	0.00
13. LOANS		
(a) Made or Guaranteed by the Candidate.....	2000.00	2500.00
(b) All Other Loans.....	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b)).....	2000.00	2500.00
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.).....	0.00	1500.00
15. OTHER RECEIPTS (Dividends, Interest, etc.).....	0.00	0.00
16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4)..... ▶	3865.00	45055.00

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3 (Revised 02/2003)

4 / 20

II. DISBURSEMENTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
17. OPERATING EXPENDITURES.....	2425.00	38526.62
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES.....	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	0.00
(b) Of all Other Loans.....	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees.....	0.00	0.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	0.00	0.00
21. OTHER DISBURSEMENTS.....	0.00	275.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) >	2425.00	38801.62

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	4813.38
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page3).....	3865.00
25. SUBTOTAL (add Line 23 and Line 24).....	8678.38
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	2425.00
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	6253.38



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

March 17, 2011

Camelia Siguineau, in her official capacity as Treasurer
Phillip Brutus for Congress
16801 NE 6 Avenue
North Miami Beach, FL 33162

C00461343
AF# 2188

Dear Ms. Siguineau:

On October 13, 2010, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Phillip Brutus for Congress and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2010 12 Day Pre-Primary Report. The Commission also made a preliminary determination that the civil money penalty was \$660 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

cc: Phillip J. Brutus, Candidate
Attachment

11092672532



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

COMMISSION
SECRETARIAT

2011 MAR 31 P 3:23

SENSITIVE

March 31, 2011

MEMORANDUM

To: The Commission

Through: Alec Palmer
Acting Staff Director *AP*

From: Patricia Carmona *PC*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2188 – Phillip Brutus for Congress and Camelia Signineau, in her official capacity as Treasurer (C00461343)

On October 13, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2010 12 Day Pre-Primary Report and also made a preliminary determination that the civil money penalty was \$660 based on the schedule of penalties at 11 C.F.R. § 111.43.

On November 19, 2010, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated March 16, 2011 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$660 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

11092672533

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2188 involving Phillip Brutus for Congress and Camelia Siguineau, in her official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2188 that Phillip Brutus for Congress and Camelia Siguineau, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, assess a civil money penalty of \$660; and
- (3) Send the appropriate letter.

11092672534

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 2188
Phillip Brutus for Congress and Camelia)
Siguineau, in her official capacity as)
Treasurer (C00461343))

CERTIFICATION

I, Shelley E. Garr, Deputy Secretary of the Federal Election Commission,
do hereby certify that on April 14, 2011, the Commission decided by a vote of
6-0 to take the following actions in AF 2188:

1. Adopt the Reviewing Officer recommendation for AF# 2188 involving Phillip Brutus for Congress and Camelia Siguineau, in her official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2188 that Phillip Brutus for Congress and Camelia Siguineau, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, assess a civil money penalty of \$660.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and
Weintraub voted affirmatively for the decision.

Attest:

April 15, 2011
Date

Shelley E. Garr
Shelley E. Garr
Deputy Secretary

11092672535



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 19, 2011

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Camelia Siguineau, in her official capacity as Treasurer
Phillip Brutus for Congress
16801 NE 6 Avenue
North Miami Beach, FL 33162

C00461343
AF# 2188

Dear Ms. Siguineau:

On October 13, 2010, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Phillip Brutus for Congress you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2010 12 Day Pre-Primary Report. By letter dated October 18, 2010, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$660 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On November 19, 2010, the Office of Administrative Review received the written response from the Candidate, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Phillip Brutus for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$660 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on March 17, 2011.

On April 14, 2011, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Phillip Brutus for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$660. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final

determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). The failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Dayna Brown on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Cynthia L. Bauerly
Chair

cc: Phillip J. Brutus, Candidate
Attachment

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$660 for the 2010 12 Day Pre-Primary Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC # 979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Phillip Brutus for Congress

FEC ID#: C00461343

AF#: 2188

PAYMENT AMOUNT DUE: \$660

**ELECTRONIC CERTIFICATION AGREEMENT FOR
DEBTS SUBMITTED TO THE FINANCIAL MANAGEMENT SERVICE'S
CROSS-SERVICING PROGRAM**

This Agreement is submitted by: Federal Election Commission

Creditor Agency: Federal Election Commission

Date of Agreement: November 23, 2010

The Creditor Agency agrees that:

- I. This Agreement covers all debts, including updates, changes, and modifications (Debts) submitted by Electronic Transmission on or after the date of this Agreement, by the above-named Creditor Agency (Agency) to the Financial Management Service (FMS), a bureau of the U.S. Department of the Treasury, for collection through FMS's Cross-Servicing Program (Cross-Servicing);
- II. The Agency will submit Debts to Cross-Servicing via Electronic Transmission of "Add Records" or "Update Records," as described in the attached Exhibit A. Each time the Agency submits a Debt via an Add Record or Update Record, the Agency is certifying the Debt;
- III. Any person who submits Debts via an Add Record or Update Record has or will have delegated authority to certify the Debts on behalf of the head of the Agency, and the Agency will provide a copy of this Agreement to any such person;
- IV. By submitting Debts via an Add Record or Update Record, the person submitting such Debts is certifying to the U.S. Department of the Treasury, under penalty of perjury pursuant to 5 U.S.C. § 5514, 31 U.S.C. § 3716, 31 U.S.C. § 3720A, and 28 U.S.C. § 1746 that, to the best of his or her knowledge and belief, the following is true and correct:
 1. **Valid Debts.** The Debts are delinquent, valid and legally enforceable in the amounts stated. The Agency will properly credit collections (other than TOP collections) to the delinquent debtors' accounts and notify FMS of any chance in the amount, validity or legal enforceability of the Debt.
 2. **No Bar to Collection.** The Debts are not subject to any circumstances that legally preclude or bar collection, including collection by offset. There are no foreclosures pending with respect to any collateral securing a Debt. The Agency's records do not show that any debtor owing a Debt has filed for bankruptcy protection. Alternatively, the Agency can clearly establish that any automatic stay has been lifted or is no longer in effect.

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3. ***Administrative Offset and Tax Refund Offset.*** If the Agency has established a profile instructing FMS to refer Debts to the Treasury Offset Program (TOP) on its behalf for the purposes of tax refund and administrative offset, the person submitting such Debts will be certifying to the following:

- a. The Agency has complied with all of the provisions of 31 U.S.C. § 3716, 31 U.S.C. § 3720A, 31 C.F.R. §§ 285.2 and 285.5, and the Federal Claims Collection Standards (31 C.F.R. Parts 900-904), as may be amended, as well as other statutes, regulations and policies applicable to collection by administrative offset and tax refund offset.
- b. At least 60 days prior to the date of the certification (i.e., date of Electronic Transmission), the Agency has provided, or made a reasonable attempt to provide in accordance with applicable offset regulations, each debtor with:
 - i. written notification, at the debtor's most current known address, of the nature and the amount of the Debt, the intention of the Agency to collect the Debt through administrative offset and tax refund offset, including offset of State payments, and an explanation of the rights of the debtor;
 - ii. an opportunity to inspect and copy the records of the Agency with respect to the Debt;
 - iii. an opportunity for review within the Agency of the determination of the Agency with respect to the Debt, including the opportunity to present evidence that all or part of the Debt is not past-due or legally enforceable; and
 - iv. an opportunity to enter into a written repayment agreement with the Agency
- c. The Agency has considered any evidence presented by the debtor and determined that the amount of the Debt is past-due and legally enforceable and there are no pending appeals of such determination.
- d. The Agency has, at minimum, made the following reasonable efforts to obtain payment of the Debt: demanded payment and provided the debtor with the notice and opportunities described in paragraph 3.b.

- e. For Debts outstanding more than ten years on or before **December 31, 2009**, the notice described in paragraph 3.b. was sent to the debtor after the Debt was outstanding for more than ten years, and that the debtor was afforded the rights described in paragraphs 3.b. – 3.d. at that time. This requirement does not apply to any Debt that could be collected by offset without regard to any time limitation prior to **December 31, 2009** (e.g., student loans debts, judgments).

4. ***Due Process Compliance for Salary Offset.*** With respect to the offset of Federal salaries, if the Agency has authorized FMS to set up an agency profile so that all debts are referred to TOP for offset of federal salary payments:

- a. The Agency has complied with all of the provisions of 5 U.S.C. § 5514, 5 C.F.R. §§ 550.1101-1110, and 31 CFR § 285.7, as may be amended, as well as other statutes, regulations and policies applicable to collection by salary offset.
- i. The Agency has provided, or made a reasonable attempt to provide, each debtor with the notice, opportunities, and considerations described in paragraphs 3.b., 3.c. and 3.e (if applicable) and the additional notices and opportunities, including the opportunity for waiver consideration and for a hearing, required for salary offset.

5. ***Consumer Reporting Agencies.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3711(e) and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to the Agency's reporting of delinquent debts to consumer reporting agencies. The Agency has:

- a. determined that the debts are valid and overdue;
- b. notified the debtor, more than 60 days prior to the date of the certification:
- i. that the debt is overdue,
- ii. that the Agency intends to disclose to a consumer reporting agency that the debtor is responsible for the debt,
- iii. of the specific information to be disclosed to the consumer reporting agency, and
- iv. of the debtor's rights to an explanation of the claim, to dispute the information in the Agency's records about the claim, and to

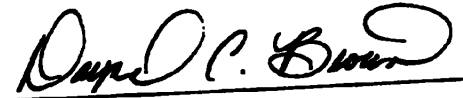
administrative repeal or review of the claim; and

- c. upon the request of a debtor, provided for a review of any debtor's claim, including an opportunity for reconsideration of the initial decision on the claim.

In addition, no debtor has repaid or agreed to repay the claim under a signed repayment agreement or filed for review of the claim.

- d. ***Interest and Penalties.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3717 and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to Agency's assessment of interest, penalties and administrative costs. The Agency has mailed or hand-delivered a written notice to all debtors explaining the Agency's requirements concerning the charges.

CERTIFICATION: Pursuant to 28 U.S.C. § 1746, I certify that I have been delegated authority to execute this Agreement on behalf of the head of my agency.



Dayna C. Brown

Director, Office of Administrative Review



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2188

DATE SCANNED 10/20/11

SCANNER NO. 2

SCAN OPERATOR SES

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